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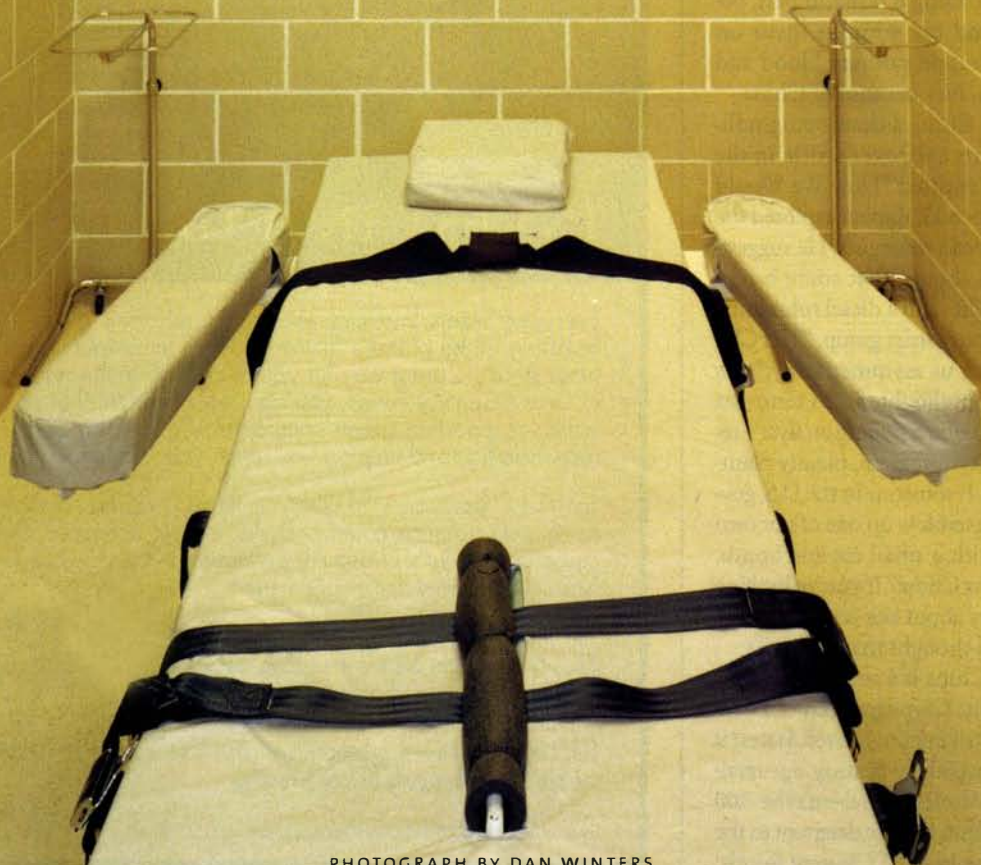
He wanted to make capital punishment kinder. Instead, he believes, he made it easier.

BY VINCE BEISER

BILL WISEMAN LEANS BACK in his battered desk chair, contemplating the killing scheduled for tomorrow. His cluttered home office is dim and quiet on this late spring afternoon, the venetian blinds pulled shut against the dense Oklahoma heat.

"I always think about my role, whenever I hear about a capital case being tried," he says. "It's always with me, like an old wound."

Wiseman has never met George Miller, the convicted murderer slated for execution tomorrow, nor anyone else involved in the case. But he will be inescapably connected with Miller's death. Nearly 30 years ago, as a young state legislator, Wiseman wrote the bill that made Oklahoma the first jurisdiction in the world to adopt lethal injection as a means of execution. The method has since been embraced by 37 of the 38 death-penalty states; in 21 it's the only method used. Miller, a 37-year-old black man, will be



PHOTOGRAPH BY DAN WINTERS



PHOTOGRAPH BY WYATT MCSPADDEN

its 797th victim nationwide.

Wiseman pushed the concept into law in an effort to expiate his shame for having voted to restore the death penalty in Oklahoma, despite his deep moral opposition to it. By introducing lethal injections, he had hoped to at least make executions more humane. But at the same time, he now believes, he also helped make them more common, by making it easier for squeamish judges and juries to hand down the ultimate

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punishment. “In a sense,” he says, “I bear the responsibility for those deaths.”

Today, Wiseman’s innovation is under fire as never before. In courts across the country, death-penalty opponents are attacking lethal injection as a violation of the Constitution’s ban on cruel and unusual punishment. Citing new evidence suggesting that the method may actually cause excruciating, if invisible, pain, they have succeeded in at least stalling several executions. Meanwhile, thanks largely to the doubts raised by the many death-row inmates exonerated by DNA evidence, the overall number of executions has fallen by almost half in recent years, from 98 in 2000 to 59 last year.

None of that eases Wiseman’s guilt. This year, after decades of wrestling privately with his regrets, he’s getting ready to do something about it.

Wiseman, still solidly built at 61, is today an administrator at the University of Central Oklahoma. Tousle-haired, gray-bearded, he’s an odd sort of hybrid, a wisecracking, barbecue-loving, private-plane-flying good ol’ boy and a deeply introspective intellectual. “Welcome to the ghetto!” he exclaims by way of greeting when I show up at the door of the little yellow-brick house he shares with his wife in Oklahoma City, on a street studded with government-subsidized apartment blocks. The place is crammed with books, from the shelves full of novels (Faulkner, Joyce) in the entrance hall to the

piles of theological texts and a 38-CD set of the works of Shakespeare in his office in back, the door of which is graced with a dartboard and a “Beers of the World” poster. Some questions he answers with a simple, snappy rejoinder, others with 15 minutes of abstract philosophical musings.

Wiseman was steeped in religious thinking during his childhood in Philadelphia. His father and grandfather were both ministers, and his mother taught at the Quaker

school Wiseman attended, where he imbibed their tenets of compassion and nonviolence. “My father is my huge hero,” says Wiseman. “But the Quakers had as much to do with my moral formation as my parents.” As a kid, he was convinced he would become a reverend himself, especially after his father took him to meet Billy Graham when he was 10. Wiseman was as entranced by Graham’s celebrity as he was by his preaching. “It was great—all these TV cameras and lights on him,” he recalls. “I loved it.”

As he got older, Wiseman strayed. “Was I always moral? Shit, no,” he says. “I couldn’t live the life of rectitude like my father.” He liked to drink, smoke, party—nothing evil, he assures me, just naughty.

He eschewed the seminary for North Carolina’s Davidson College, where he majored in philosophy. He followed with a master’s in literature from the University of Tulsa, Oklahoma, and went on to begin a Ph.D. in American literature, but he soon lost interest. Dropping out to go live in the North Carolina sticks, he spent a while writing fiction and poetry, doing construction work, and “drinking a lot of corn liquor.” Eventually he returned to Oklahoma and started his own highway-building contracting business in the Tulsa area. That job brought him in touch with local politicians, and their jobs looked good to him. “I thought I could be very competent as a legislator. Second, I liked the idea that it gave

me an identity. I’ve always lived in the shadow of my father,” he says. “And it would be a chance to take all these ideas I have on ethics and moral behavior and social justice and do something about them.” In 1974, he successfully ran as a Republican for the state Assembly.

Wiseman absolutely loved being a lawmaker. He can’t say this often enough as he leads me on an impromptu tour of the grand, colonnaded state Capitol, only a few blocks from his house. It’s been more than two decades since he was a legislator, but he still seems perfectly in his element striding the marble halls, slapping backs, cracking jokes, and swapping stories with friends from the old days.

“I must admit, staying in office became my top priority,” he tells me later at his house. “I had an identity, a mission, all kinds of recognition. Anything that would threaten that would strike dark, hidden terror.”

The threat turned out to be his own principles. The U.S. Supreme Court struck down capital punishment in 1972, but in 1976 opened the door for states to bring it back, provided they amend their laws to make it less arbitrary. Oklahoma legislators wasted no time introducing a bill to do just that.

Wiseman hated the idea. On a practical level, he didn’t believe state-sponsored executions deterred others from killing, and morally he simply opposed taking human life. But he knew his conservative constituents would never forgive him if he voted his conscience. He even ran an informal telephone poll to make sure. “It was like 80 percent in favor, and the rest not sure,” he says. “No one was opposed.”

Searching for a way out, Wiseman asked his father what he thought, hoping the respected minister would assure him that capital punishment was morally impermissible. To his dismay, his father said that in some circumstances it was acceptable. “That took away my theological cover to vote against it,” Wiseman says. “I was left on my own, as was right, to see if I had any moral gump-tion. And I didn’t.”

So in July of 1976, Wiseman found himself sitting under the stained-glass skylights of the Oklahoma House of Representatives chamber, pushing the green button to vote “yes.” That put him safely amid the majority: The final tally was 93-5. “I just felt sick.

I was actually executing people,” he says. “I knew it was wrong, and I should have voted against it. But I didn’t.”

In an effort to salve his conscience while the bill was being debated, Wiseman latched on to another legislator’s amendments to soften some of its provisions. They all failed, but one particularly intrigued him: a vaguely worded provision calling for the electric chair to be replaced with some more humane method of execution.

How, though, to kill a person painlessly? Wiseman first asked the Oklahoma Medical Association for help, but the doctors refused to get involved, lest they violate their Hippocratic oath to do no harm. Wiseman kept asking around until one day he got a call from Jay Chapman, the state medical examiner. Chapman had previously worked in Colorado overseeing that state’s electric chair executions. In an essay he wrote for the *Christian Century* magazine, Wiseman recounted what Chapman told him about electrocutions: “When the lever is pulled, the body twists and shudders violently, cooks and sizzles obscenely, and emits horrible noises from the nose, mouth and

anus.... Chapman said it was the ghastliest mode of death he could have conjured, short of slow torture, and that no sane person who witnessed it could possibly oppose its replacement by a less violent means of execution.”

Chapman had an alternative. Sitting in Wiseman’s little wood-paneled office in the Capitol, he dictated the following lines, which Wiseman jotted down on a yellow legal pad: “An intravenous saline drip shall be started in the prisoner’s arm, into which shall be introduced a lethal injection consisting of an ultra-short-acting barbiturate in combination with a chemical paralytic.” The barbiturate would put the condemned person to sleep, and then the paralytic would stop his heart and lungs. No struggle, no stench, no pain—just a quick, merciful snuffing out of life.

Wiseman drafted a bill around Chapman’s simple sentence and got it moving through the Legislature. A few hardline legislators complained that such an easy death was too kind a punishment; others raised concerns that the new technology might not pass constitutional muster, but most responded

favorably—particularly after Wiseman distributed grisly color photos of men killed by Colorado’s electric chair. While the bill was still in the works, Wiseman attended a lecture by a prominent British criminologist at which someone in the audience asked the speaker what he thought of the idea of lethal injection. The criminologist declared it “a notion worthy of Nuremberg.” Around the same time, a reporter friend suggested that such an easy, clean-looking way to kill would likely only lead to more executions. “It hadn’t occurred to me,” says Wiseman. “But he was right.”

Wiseman’s conscience stirred uneasily, but momentum carried the day. His bill passed by a wide margin and became law on May 10, 1977. Texas enacted an almost identical measure, modeled on Wiseman’s, the very next day.

WISEMAN DIDN’T REALIZE IT, but he was only the latest in a series of reformers who have introduced new technologies to make killing kinder. The idealists of the French Revolution developed the swift certainty of the guillotine as an improvement over messy

medieval methods like being torn apart by wild horses. Well-intentioned reformers in the United States promoted the electric chair, and later the gas chamber, to replace hanging.

Wiseman's contribution to this dubious progress was utilized by Texas in 1982, where Charlie Brooks Jr. became the first person put to death by lethal injection. Liberal pundits and the ACLU were appalled, but it did seem to work as promised. A pleased Texas judge declared that "1983 will bring some more [executions]...and this humane way will make it more palatable." Since then, every death-penalty state except Nebraska has adopted lethal injection, and, as of this writing, 805 people have been killed with it. That's by far the lion's share of modern American executions nationwide. Since 1976, only 168 inmates have been killed by other methods: electrocution, the gas chamber, hanging, or firing squads. Oklahoma has been especially enthusiastic with the needle—the only method the state now employs—and has used it to end the lives of 77 men and women, including George James Miller Jr.

Miller's crime, the capstone of a long history of violence, was a horrific one. He was convicted of murdering an Oklahoma City motel clerk by stabbing him with a knife and a pair of hedge shears, battering him with a paint can, and then pouring muriatic acid down his throat. After years of failed appeals, his death was scheduled for last May 12.

Executions have grown so common in Oklahoma that I was one of only three journalists who showed up at the century-old state penitentiary outside McAlester to cover it. A half-hour before Miller was to die, a grand total of three death-penalty opponents were standing a glum vigil outside the prison's massive, whitewashed brick walls.

At 6 p.m. (killing time was moved up from midnight a few years ago, to make things easier on prison staff and witnesses), we were escorted through the prison's double gates, down a gleamingly clean concrete corridor, and into a narrow, brightly lit room. Facing a set of four windows, Miller's teary but composed mother, a few other relatives, and a handful of prison officials occupied a couple of rows of folding metal chairs.

On the other side of the windows lay Miller, bald-headed, mustached, and wear-

ing a blue smock. Most of the straps holding him to the gurney were covered by a white sheet pulled up to his chest. He leaned up, smiled, and nodded at his family before lying back down, closing his eyes, and uttering his last words: "I love you."

Over the course of the next eight minutes, Miller was executed. There was almost no visible sign that anything at all was happening to him. An intravenous tube had been inserted into his arm before the witnesses arrived. It led through a hole in the wall behind Miller's head. Hidden by the wall, technicians fed a dose of sodium thiopental into the tube to put him to sleep; then vecuronium bromide, to paralyze his muscles; and finally potassium chloride, to stop his heart. Miller exhaled wetly a couple of times as the first drug began working. A few minutes later, his jaws and lips quivered slightly. Then his eyes opened just a slit, and stayed that way while a prison medical examiner checked him with a stethoscope, and pronounced him dead.

It was deeply disturbing to see the process of dying reduced to such spartan mechanics, with no ceremony, no last rites, nothing but an efficiently administered end to life. But it did look about as painless as such a thing can be.

That absence of pain and drama, says Richard Dieter, executive director of the Washington, D.C.-based Death Penalty Information Center, has made lethal injection a huge boon to capital-punishment advocates. "I don't think the public today would stand for 60 electrocutions a year," says Dieter. "By now lethal injection is essentially the only method used. It's more palatable to guards, to juries, and to legislators. I think it has resulted in more executions than would otherwise have been the case."

Recently activists and lawyers around the country have begun calling into question whether the process is really as painless as it looks. Most states use drug combinations and dosages similar to those used in Oklahoma. But considering that these drugs are usually administered by untrained prison officials rather than medical personnel, and are given to convicts whose veins may be damaged from drug use and who are likely to be understandably agitated, it's possible that some condemned people might not get enough anesthetic to actually put them to sleep—leaving them conscious but, paralyzed by the second drug, incapable of

screaming or convulsing as their hearts are squeezed to a stop.

Death-penalty opponents have raised this argument before, but only in recent months has hard evidence emerged to back them up. Autopsies of inmates executed in Kentucky, South Carolina, and North Carolina have found concentrations of anesthetic that could have left the condemned conscious as their lives were taken. In April, the British medical journal *The Lancet* published a study that analyzed toxicology reports of 49 executed inmates in four states; it concluded that 43 of them showed levels of anesthetic lower than that required for surgery, and 21 "had concentrations consistent with awareness." If an inmate were indeed conscious when the potassium chloride hit his veins, a Columbia University anesthesiology professor testified at a recent hearing in Connecticut, it would cause a searing pain similar "to that of boiling oil or branding with a red-hot iron."

Citing such evidence, death-row lawyers have mounted challenges to lethal injection itself in a number of states. None have succeeded in banning the procedure so far, but

Kentucky and New Jersey suspended executions so the courts could examine the issue. (Kentucky has since rescinded its ban.)

Oklahoma, however, has taken no pause. A spokesman for the Department of Corrections brushes aside such concerns, saying simply, "We believe the amount of anesthetic we use is sufficient."

The day after Miller's execution, Wiseman, dressed in a blue turtleneck and khakis, led early-morning prayers for a handful of worshippers at a little nondenominational chapel on the University of Central Oklahoma campus. The readings included Psalm 102: "For the Lord looked down from his holy place on high; from the heavens he beheld the earth; that he might hear the groan of the captive and set free those condemned to die."

Wiseman has long since left politics. In 1979, with Ronald Reagan's brand of conservatism increasingly defining the party, he decided he couldn't call himself a Republican anymore and switched to the Democrats. He was trounced in the next election and never ran again. Since then, he has worked for an oil company, run his own

public relations business, and been a university lecturer and administrator. Now he's getting ready for a whole new career.

With his two sons grown up and moved off to New York, Wiseman is finally accepting the vocation that has called to him since childhood. After years of part-time studies at theological seminaries in Tulsa and Austin, Texas, he has been ordained, and come December he'll serve as an Episcopal priest at a Tulsa church. There he aims to return to the issue that has plagued his conscience for almost 30 years. He intends to make preaching and advocating for the abolition of the punishment he inadvertently abetted a central part of his ministry. "I'm sorry for what I did," he says simply. "I hope someday to offset it by helping us realize that capital punishment is wrong and self-destructive."

For Wiseman, whatever the courts eventually decide about lethal injection is beside the point. "I'm aware of my responsibility," he says. "It keeps me tied to the problem. And the problem is that we're killing people. That's what's wrong, not how we're doing it." ■